

d.  
FILED  
U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND, PM 3:36

CORINS H. ADKINS, JR., ET AL.

v.

MAYOR AND CITY COUNCIL OF  
THE CITY OF ABERDEEN MARYLAND,  
ET AL.

\* CLERK'S OFFICE  
\* AT BALTIMORE

\* Civil No. - JFM-16-4037  
\* DEPUTY

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MEMORANDUM

Plaintiffs have brought this action complaining that the Mayor and City Council of the City of Aberdeen, Maryland passed a resolution on September 13, 2010 terminating the City's prior practice of paying up to 400 hours of sick leave upon retirement and that they were not provided with any payments for their unused sick leave whereas other city employees were paid for their unused sick leave after September 13, 2010. They assert claims under the equal protection clauses of the federal and state constitutions. Defendants have filed a motion to dismiss. The motion will be granted.

Plaintiffs are not a member of any "suspect" class under the Equal Protection Clause. Thus, "economic classifications are subject to rational-basis review." *See Applegate, LP v. City of Frederick, Maryland*, 179 F. Supp. 3d 522, 531 (D. Md. 2016). *See also Verderamo v. Mayor & City Council of Baltimore*, 4 F. Supp. 3d 722 (D. Md. 2014). The city may have believed that some payment of accrued sick leave to the comparators was an effective way of managing its workforce and its relationship with the workforce in incentivizing the comparators to retire early, or providing compensation for work history which never included the benefit of earning overtime.

A separate order is being entered herewith granting defendants' motion.

Date: April 27, 2011

J. Frederick Motz  
J. Frederick Motz  
United States District Judge